

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. _____

DONALD J. TRUMP,

Plaintiff,

v.

LETITIA JAMES,

Defendant.

/

DEFENDANT'S NOTICE OF REMOVAL

Defendant Letitia James, Attorney General of the State of New York (“Attorney General James”), by and through her undersigned counsel, hereby removes this action from the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida Civil Division, Case No. 2022-CA-10792 (“State Court Action”), to the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, and states as follows:

1. On or about November 2, 2022, Plaintiff commenced the State Court Action by filing a Civil Cover Sheet, Summons, and Complaint in the Palm Beach County Clerk’s Office.
2. On or about November 15, 2022, Plaintiff filed an Amended Complaint in the State Court Action.
3. Along with the Amended Complaint, Plaintiff also filed an Emergency Motion for Temporary Injunction and Request for Judicial Notice.
4. Although Attorney General James has not been served with any process, pleadings, or orders in the State Court Action, a copy of the Summons, Complaint, Amended Complaint, Emergency Motion for Temporary Injunction, Plaintiffs’ Notice of Filing, and Request for Judicial Notice filed in the State Court Action are attached as Composite Exhibit A.

5. The State Court Action is a civil action. The Amended Complaint appears to assert violations of Plaintiff's rights under the U.S. Constitution (Count I), rights to privacy and property under Florida law (Count II), and rights as a trust grantor and beneficiary (Count III) as a result of conduct undertaken by Attorney General James in commencing and pursuing an enforcement action under New York Executive Law § 63(12) based upon alleged fraud and illegality by Plaintiff in the conduct of his New York-based business. Plaintiff's State Court Action seeks compensatory and punitive damages as well as declaratory relief and to preliminarily and permanently enjoin Attorney General James, together with others, from requesting, demanding, obtaining, possessing, or disclosing a copy of Plaintiff's revocable trust or the terms thereof, or of restraining Plaintiff's ability to amend, modify or revoke the trust.

6. Plaintiff is a citizen of Florida in accordance with his Declaration of Domicile dated September 27, 2019 filed in the Public Records of Palm Beach County, Florida at OR BK 30932 PG 0239 on October 4, 2019. Plaintiff also alleges in the Amended Complaint that he is a resident of Florida. *See* Amended Complaint at ¶¶ 1, 13.

7. Attorney General James is a citizen of New York. Count I of Plaintiff's Amended Complaint is brought pursuant to 28 U.S.C. §§ 1983 and 1988. The amount in controversy exceeds \$75,000 exclusive of interest and costs, *to wit*, the Amended Complaint alleges, Plaintiff "has thus been damaged by Defendant's unlawful conduct at trial [sic] but includes: (1) potentially as high as \$250,000,000 in confiscation from the civil action; (2) legal fees and costs incurred in defending against the campaign of retaliation; (3) and other damages in an amount to be proven at trial." *See* Amended Complaint at ¶ 120; *see also* ¶ 9 (Plaintiff "seeks damages . . . compensatory damages up to \$250,000,000"). Accordingly, removal is proper under 28 U.S.C. §§ 1331, 1332, 1441, and 1446.

8. Further, the State Court Action is pending in a state court within the Southern

District of Florida and removal and venue to this Court is therefore proper under 28 U.S.C. § 1446(a).

9. Removal is also timely under 28 U.S.C. § 1446(b)(1). Plaintiff's counsel has not yet effected service of the State Court Action on Attorney General James, and the State Court Action was only first filed with the Clerk for the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, Florida, Civil Division on November 2, 2022.

10. Attorney General James will serve written notice of the removal of this action upon Plaintiff and Plaintiff's attorney in the State Court Action promptly and will file such notice with the Clerk for the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, Florida, Civil Division, as required by 28 U.S.C. § 1446(d).

11. Attorney General James expressly reserves all defenses (including with respect to personal jurisdiction), ability to otherwise move with respect to the Amended Complaint, and to deny any liability.

12. Attorney General James therefore respectfully notices the removal of the State Court Action to the United States District Court for the Southern District of Florida.

Dated: November 16, 2022

Respectfully submitted,

BILZIN SUMBERG BAENA PRICE
& AXELROD LLP
Counsel for Letitia James
1450 Brickell Ave., Suite 2300
Miami, Florida 33131
Telephone: 305-374-7593
Facsimile: 305-351-2253

By: /s/ Melissa Pallett-Vasquez
Melissa Pallett-Vasquez
Florida Bar No. 715816
Jeffrey Snyder
Florida Bar No. 21281
Robert Turken
Florida Bar No. 306355
mpallett@bilzin.com

jsnyder@bilzin.com
rturken@bilzin.com
stapanes@bilzin.com
vlopez@bilzin.com
asolis@bilzin.com
eservice@bilzin.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 16, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and served via email on the below individuals:

Timothy W. Weber, Esq.
Timothy.weber@webercrabb.com
Jeremy D. Bailie, Esq.
Jeremy.bailie@webercrabb.com
R. Quincy Bird, Esq.
Quincy.Bird@webercrabb.com
Weber, Crabb & Wein, P.A
5453 Central Avenue
St. Petersburg, Florida 33710

/s/Melissa Pallett-Vasquez
Melissa Pallett-Vasquez